

I am unable to approve the item designated as Section 4, subsection 3, in its entirety. This item requires the Department of Corrections to timely fill all correctional positions. This language fails to account for the difficult circumstances that necessitate flexibility for the department in managing its operations.

I am unable to approve the first designated portion of Section 5. This item would require twenty-one calendar days notice to the appropriations subcommittee before the Department of Corrections can enter into a contract with a private corporation for the purposes of providing employment to inmates under the department's jurisdiction. Contracting for such purposes is more appropriately an executive branch responsibility.

I am unable to approve the second designated portion of Section 5. This item would preclude the Department of Corrections from entering into a contract with a private sector entity to operate a facility that houses inmates. The department is currently studying this issue and it would be inappropriate to impose such a restriction until the outcome of the study has been determined.

I am unable to approve the item designated as Section 8, in its entirety. This item would allow all unspent 1998 appropriations for the Department of Corrections to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

I am unable to approve the item designated as Section 22, in its entirety. This item would allow all unspent 1998 appropriations for the Fort Dodge prison to carry forward and be spent in fiscal year 1999. It is inappropriate to use one-time funding for ongoing expenses.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2539 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1223

**SUPPLEMENTAL AND OTHER APPROPRIATIONS
AND MISCELLANEOUS PROVISIONS**

H.F. 2395

AN ACT relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

Section 1. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 211, section 6, subsection 5, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For utility costs:
..... \$ 60,000

Sec. 2. 1997 Iowa Acts, chapter 215, section 2, subsections 6 and 7, are amended to read as follows:

6. For the installation of storm drainage, grading, new asphalt, new lighting, and striping of capitol complex parking lots 4 and 5 in accordance with capitol complex renovation plans, provided that not more than \$450,000 shall be used for lot 4 and not more than \$105,000 shall be used for lot 5, and provided that existing capitol complex construction plans do not conflict with the parking lot improvements:

..... \$ 555,000

7. For filling cracks, resurfacing, new handicapped parking signs which comply with the provisions of chapter 321L, as amended by 1997 Iowa Acts, House File 688,* and striping capitol complex parking lots 13, 4, 5, and 15 in accordance with capitol complex renovation plans, provided that not more than \$100,750 shall be used for lot 13 and not more than \$75,000 shall be used for lot 15, and provided that existing capitol complex construction plans do not conflict with the parking lot improvements:

..... \$ 175,750
730,750

Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For construction of buildings to provide work space for prisoners:

..... \$ 2,200,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2000, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund.

Sec. 4. DEPARTMENT OF EDUCATION — SUBSIDIZATION FUND. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 210, section 2, subsection 2, paragraph “a”, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the subsidization of video rates:

..... \$ 720,000

Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the public broadcasting division of the department of education for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 212, section 7, subsection 7, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a study of the digital television conversion:

..... \$ 150,000

Notwithstanding section 8.33, any unobligated or unencumbered funds remaining at the end of the fiscal year shall not revert to the general fund of the state but shall be available for expenditure during the following fiscal year for the purpose designated in this section.

Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave pay that needs to be paid out due to retirement of personnel in the parks and preserves division:

..... \$ 350,000

Sec. 7. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the state fish and game protection fund created in section 456A.17 to the department of natural

* See 1997 Iowa Acts, chapter 70

resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave pay that needs to be paid out due to retirement of personnel in the fish and wildlife division:

..... \$ 245,000

Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from the rebuild Iowa infrastructure fund to the judicial department for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For design and development of a new judicial building:

..... \$ 1,700,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2000, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 2000.

Sec. 9. ENHANCED COURT COLLECTIONS FUND. Notwithstanding section 602.1304, subsection 2, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the maximum deposit amount for the enhanced court collections fund shall be \$6,000,000. For succeeding fiscal years, the maximum deposit amount shall be determined in accordance with section 602.1304, subsection 2, and the maximum deposit amount shall not be increased due to the increase made in this section.

Sec. 10. 1997 Iowa Acts, chapter 215, section 11, is amended to read as follows:

SEC. 11. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of funding capital projects funded from marine fuel tax receipts for the purposes specified in section 452A.79:

..... \$ 1,800,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, ~~1998~~ 1999, from the funds appropriated in this section, shall revert to the general fund of the state on August 31, ~~1998~~ 1999.

Sec. 11. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

Sec. 12. EXCESS LOTTERY REVENUES FISCAL YEAR 1994-1995. Of the lottery revenues received during the fiscal year beginning July 1, 1994, which remain in the lottery fund following the transfers made pursuant to 1995 Iowa Acts, chapter 220, section 16, 1996 Iowa Acts, chapter 1219, section 14, and 1997 Iowa Acts, chapter 209, section 10, the following amounts are appropriated or so much thereof as is necessary, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to be used for the purposes designated:

1. To the department of general services, division of information and technology services, for development and other start-up costs to establish a single contact repository implementing the provisions of this Act requiring the establishment of a single contact repository and first-year operational costs of the repository:

..... \$ 125,000

2. To the department of human services for a grant to a county with a population between 168,000 and 175,000 for implementation of the county's runaway assessment and treatment plan under section 232.195:

..... \$ 125,000

The grant shall be administered by the county's board of supervisors in consultation with the local runaway and treatment task force.

3. To the department of personnel for support of 2.00 FTEs in program administration and development for the deferred compensation program in addition to other authorized full-time equivalent positions in fiscal year 1998-1999:

..... \$ 125,000

*4. To the department of agriculture and land stewardship for the state-federal laboratory for operation and testing:

..... \$ 109,000*

Any lottery revenues remaining in the lottery fund at the end of the fiscal year beginning July 1, 1997, as a result of not being appropriated or as a result of a veto of any appropriation made in this section shall be transferred to the general fund of the state. Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated or unexpended for the purpose designated shall not revert at the end of the fiscal year beginning July 1, 1997, but shall remain available for the purpose designated in the succeeding fiscal year. Moneys which revert at the end of the succeeding fiscal year shall be transferred to the general fund of the state.

Sec. 13. BUILDING INSPECTION.

1. The appropriation made in 1998 Iowa Acts, House File 2498, if enacted, to the department of inspections and appeals, health facilities division,** is reduced by \$90,000. The requirement in that appropriation for the health facilities division to use \$90,000 to pay the salary, support, and miscellaneous expenses of a building inspector position is void and the provisions of subsection 2 are substituted in lieu of that requirement.

2. Notwithstanding section 8.33 and the reversionary provisions of 1997 Iowa Acts, chapter 209, section 10, unnumbered paragraph 2, of the moneys appropriated in 1997 Iowa Acts, chapter 209, section 10, subsection 5, which remain unobligated or unexpended at the close of the fiscal year beginning July 1, 1997, \$90,000, or so much thereof as is available, shall not revert but shall be transferred to the department of inspections and appeals, health facilities division. The transferred moneys shall be used in the succeeding fiscal year to contract for the performance of building inspections. Moneys transferred pursuant to this section which revert at the end of the fiscal year beginning July 1, 1998, shall be transferred to the general fund of the state.

Sec. 14. FISCAL YEAR 1998-1999 LOTTERY TRANSFER. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1998, and ending June 30, 1999, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-seventh General Assembly, 1998 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

Sec. 16. Section 15.241, subsection 1, unnumbered paragraph 4, as enacted by 1998 Iowa Acts, House File 2435,*** section 1, is amended to read as follows:

Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund. Receipts from loans or grants

* Item veto; see message at end of the Act
 ** See chapter 1217, §8 herein
 *** Chapter 1045 herein

under the business development initiative for entrepreneurs with disabilities ~~program~~ may be maintained in a separate account within the fund.

Sec. 17. Section 15E.195, Code Supplement 1997, is amended to read as follows:

15E.195 ENTERPRISE ZONE COMMISSION.

1. A county which designates an enterprise zone pursuant to section 15E.194, subsection 1, and in which an eligible enterprise zone is certified shall establish an enterprise zone commission to review applications from qualified businesses located within or requesting to locate within an enterprise zone designated pursuant to section 15E.194, subsection 1, to receive incentives or assistance as provided in section 15E.196. ~~The enterprise zone commission shall also review applications from qualified housing businesses requesting to receive incentives or assistance as provided in section 15E.193A.~~ The commission shall consist of nine members. Five of these members shall consist of one representative of the board of supervisors, one member with economic development expertise chosen by the department of economic development, one representative of the county zoning board, one member of the local community college board of directors, and one representative of the local workforce development center. These five members shall select the remaining four members. If the enterprise zone consists of an area meeting the requirements for eligibility for an urban or rural enterprise community under Title XIII of the federal Omnibus Budget Reconciliation Act of 1993, one of the remaining four members shall be a representative of that ~~zone community. However, if the enterprise zone qualifies under the city criteria, one of the four members shall be a representative of an international labor organization and if an enterprise zone is located in any city, a representative, chosen by the city council, of each such city may be a member of the commission.~~ A county shall have only one enterprise zone commission to review applications for incentives and assistance for businesses located within or requesting to locate within a certified enterprise zone designated pursuant to section 15E.194, subsection 1.

2. The commission may adopt more stringent requirements, including requirements related to compensation and benefits, for a business to be eligible for incentives or assistance than provided in ~~section sections~~ sections 15E.193 and 15E.193A. The commission may develop as an additional requirement that preference in hiring be given to individuals who live within the enterprise zone. The commission shall work with the local workforce development center to determine the labor availability in the area. The commission shall examine and evaluate building codes and zoning in the enterprise zone and make recommendations to the appropriate governing body in an effort to promote more affordable housing development.

3. If the enterprise zone commission determines that a business qualifies ~~for inclusion in an enterprise zone~~ and is eligible to receive incentives or assistance as provided in either section 15E.193A or section 15E.196, the commission shall submit an application for incentives or assistance to the department of economic development. The department may approve, defer, or deny the application.

4. In making its decision, the commission or department shall consider the impact of the eligible business on other businesses in competition with it and compare the compensation package of businesses in competition with the business being considered for incentives or assistance. The commission or department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for incentives or assistance. The commission or department shall also make a good faith effort to determine the probability that the proposed incentives or assistance will displace employees of existing businesses. In determining the impact on businesses in competition with the business seeking incentives or assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

However, if the commission or department finds that an eligible business has a record of violations of the law, including but not limited to environmental and worker safety statutes, rules, and regulations, over a period of time that tends to show a consistent pattern, the

eligible business shall not qualify for incentives or assistance under section 15E.193A or section 15E.196, unless the commission or department finds that the violations did not seriously affect public health or safety or the environment, or if it did that there were mitigating circumstances. In making the findings and determinations regarding violations, mitigating circumstances, and whether an eligible business is eligible for incentives or assistance under section 15E.193A or section 15E.196, the commission or department shall be exempt from chapter 17A. If requested by the commission or department, the business shall provide copies of materials documenting the type of violation, any fees or penalties assessed, court filings, final disposition of any findings and any other information which would assist the commission or department in assessing the nature of any violation.

5. A business that is approved to receive incentives or assistance shall, for the length of its designation as an enterprise zone business, certify annually to the county or city, as applicable, and the department of economic development its compliance with the requirements of either section 15E.193 or section 15E.193A.

Sec. 18. Section 69.2, subsection 7, Code 1997, is amended to read as follows:

7. The board of supervisors declares a vacancy in an elected county office upon finding that the county officer has been physically absent from the county for sixty consecutive days except in the case of a medical emergency; temporary active military duty; or temporary service with another government service, agency, or department.

Sec. 19. Section 97B.49B, subsection 3, paragraph b, subparagraph (6), if enacted in 1998 Iowa Acts, House File 2496,* section 36, is amended to read as follows:

(6) For the fiscal year commencing July 1, 1994, and each succeeding fiscal year through the fiscal year ending June 30, 1998, each judicial district department of correctional services shall pay to the department of personnel from funds appropriated to that judicial district department of correctional services, the amount necessary to pay the employer share of the cost of the additional benefits provided to employees ~~covered under subsection 1, paragraph "d", subparagraph (7) of a judicial district department of correctional services who are employed as a probation officer III or a parole officer III.~~

Sec. 20. Section 135C.33, subsection 5, if enacted by 1998 Iowa Acts, House File 2275,** is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers.

NEW PARAGRAPH. e. An employee of an assisted living facility certified or voluntarily accredited under chapter 231C, if the employee provides direct services to consumers.

Sec. 21. Section 135C.33, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

Sec. 22. Section 200.14, subsection 1A, as enacted by 1998 Iowa Acts, Senate File 2082,*** section 1, is amended to read as follows:

1A. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary. A person shall not intentionally tamper with anhydrous ammonia equipment. Tampering occurs when a person who is not authorized by the owner of anhydrous ammonia equipment uses the equipment in violation of a provision of this chapter, including a rule adopted by the secretary. A person; shall not in any manner or for any purpose sell, fill, refill, deliver, permit to be

* Chapter 1183 herein

** Chapter 1141, §2 herein

*** Chapter 1004 herein

delivered, or use an anhydrous ammonia container or receptacle, including for the storage of any gas or compound, unless the person owns the container or receptacle or is authorized to do so by the owner. A person shall not possess or transport anhydrous ammonia in a container or receptacle which is not authorized by the secretary to hold anhydrous ammonia.

Sec. 23. Section 260A.1, subsection 2, Code Supplement 1997, is amended to read as follows:

2. Moneys appropriated in subsection 1 shall be allocated by the department of education to each community college ~~in the proportion that the allocation to that community college in 1996 Iowa Acts, chapter 1215, section 6, subsection 15, bears to the total appropriation made in 1996 Iowa Acts, chapter 1215, section 6, subsection 15, to all community colleges~~ on the basis of each community college's share of overall community college student enrollment. The overall enrollment and each community college district's share of the overall enrollment shall be determined utilizing refined enrollment reporting methods approved by the department of education using data from the most recently concluded fiscal year. The department of education shall determine enrollment share percentages for each community college district for purposes of allocating the moneys.

Sec. 24. Section 279.51, subsection 1, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, ~~1997~~ 1998, and each succeeding fiscal year, the sum of fifteen million ~~one~~ three hundred ~~seventy~~ sixty thousand dollars.

Sec. 25. Section 279.51, subsection 1, paragraph b, Code Supplement 1997, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~1997~~ 1998, and for each succeeding fiscal year, eight million ~~three~~ five hundred ~~twenty~~ ten thousand dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

Sec. 26. Section 321.453, Code 1997, as amended by 1998 Iowa Acts, Senate File 2081,* section 1, is amended to read as follows:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus, ~~to~~ road maintenance equipment owned by or under lease to any state or local authority, implements of husbandry temporarily moved upon a highway, implements of husbandry moved from farm site to farm site or between the retail seller and a farm purchaser, implements of husbandry moved between any site and the site of an agricultural exposition or a fair administered pursuant to chapter 173 or 174, indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, implements of husbandry received and moved by a retail seller of implements of husbandry in exchange for a purchased implement, or implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset. The one hundred-mile distance restriction contained in the definition of implement of husbandry in section 321.1 does not apply to this section.

Sec. 27. If the amendment to section 421.40, unnumbered paragraph 3, Code 1997, contained in 1998 Iowa Acts, House File 2530, is enacted,** that amendment shall prevail

* Chapter 1003 herein

** House File 2530 not enacted

over the amendment to section 421.40, unnumbered paragraph 3, Code 1997, contained in 1998 Iowa Acts, Senate File 518,*¹ section 39.

Sec. 28. 1998 Iowa Acts, House File 2290, section 7, if enacted,*² is amended to read as follows:

SEC. 7. EFFECTIVE DATE. Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment. Section 5 of this Act takes effect December 15, 1998, and applies to nonresident deer hunting licenses for calendar years beginning on or after January 1, 1999.

Sec. 29. Section 483A.8, subsection 3, Code 1997, as amended by 1998 Iowa Acts, Senate File 187,*³ section 10, is amended to read as follows:

3. A nonresident hunting deer is required to have a nonresident deer license and must pay the wildlife habitat fee. The commission shall annually limit to ~~six~~ seven thousand five hundred licenses the number of nonresidents allowed to have deer hunting licenses. The number of nonresident deer hunting licenses shall be determined as provided in section 481A.38. The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 30. 1998 Iowa Acts, Senate File 187, section 27, if enacted,*³ is amended to read as follows:

SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This Act takes effect December 15, 1998, and applies to licenses and fees for hunting, fishing, fur harvesting, and related wild-life and game activities for ~~the calendar year~~ years beginning on or after January 1, 1999.

Sec. 31. Section 692A.13, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department shall provide information for purposes of the single contact repository established pursuant to section 135C.33, in accordance with rules adopted by the department.

Sec. 32. 1998 Iowa Acts, Senate File 2406, section 13, if enacted,*⁴ is amended to read as follows:

SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa empowerment board shall adopt rules, arrange for technical assistance, provide guidance, and take other actions needed to assist the designation of community empowerment areas and creation of community empowerment boards and to enable the community empowerment area boards to submit school ready children grant plans in a timely manner for the initial grants to be awarded and grant moneys to be paid. For the initial grants, plans shall be submitted by September 1, 1998, or by ~~January 1, 1999~~ December 1, 1998, in accordance with criteria established by the board. The Iowa board shall submit to the governor and the general assembly a proposed funding formula for distribution of school ready children grant moneys as necessary for statewide implementation of the grant program for the fiscal year beginning July 1, 1999, and subsequent fiscal years.

Sec. 33. 1998 Iowa Acts, Senate File 2410, section 83, subsection 7, if enacted,*⁵ is amended to read as follows:

7. Section 15, subsection 19, paragraph ~~"b"~~ "a", relating to authority to use moneys for support of the child welfare services work group.

*¹ Chapter 1164 herein

*² Chapter 1203 herein

*³ Chapter 1199 herein

*⁴ Chapter 1206 herein

*⁵ Chapter 1218 herein

Sec. 34. Section 514I.7, subsection 2, paragraph e, if enacted by 1998 Iowa Acts, House File 2517,*¹ section 9, is amended to read as follows:

e. Is not currently covered under or was not covered within the prior six months under a group health plan as defined in 42 U.S.C. § ~~300gg-91(a)(1)~~ 300gg-91(a)(1) or other health benefit plan, unless the coverage was involuntarily lost or unless dropping the coverage is allowed by rule of the board.

Sec. 35. 1998 Iowa Acts, House File 2162,*² sections 34 and 42, are repealed.

Sec. 36. 1998 Iowa Acts, House File 2538,*³ section 2, amending section 15E.195, is repealed.

Sec. 37. 1998 Iowa Acts, House File 2164,*⁴ section 11, amending section 15E.195, subsection 1, is repealed.

Sec. 38. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 18, amending section 69.2.
2. Section 22, amending section 200.14.
3. Section 32, amending 1998 Iowa Acts, Senate File 2406,*⁵ section 13.
4. Section 33, amending 1998 Iowa Acts, Senate File 2410,*⁶ section 83, subsection 7.
5. Section 34, amending section 514I.7, if enacted by 1998 Iowa Acts, House File 2517,*¹ section 9.

DIVISION IV

Sec. 39. NEW SECTION. 327H.20A RAILROAD REVOLVING LOAN FUND.

A railroad revolving loan fund is established in the office of the treasurer of state under the control of the department. Moneys in this fund shall be expended for loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements. The department shall administer a program for the granting and administration of loans under this section. The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section. Moneys received as loan repayments shall be credited to the railroad revolving loan fund. Notwithstanding section 8.33, moneys in the railroad revolving loan fund shall not revert to the general fund of the state but shall remain available indefinitely for expenditure under this section.

Sec. 40. RAILROAD REVOLVING FUND. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1998, and ending June 30, 1999, for deposit in the railroad revolving loan fund established in section 327H.20A, an amount equal to the amount of loan repayments made under section 327H.18 and chapter 327I that exceed one million one hundred ninety thousand dollars during fiscal year 1998-1999.

Approved May 21, 1998, except the item which I hereby disapprove and which is designated as that portion of Section 12, subsection 4, which is herein bracketed in ink and initialed by me. My reasons for vetoing this item are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

*¹ Chapter 1196 herein

*² Chapter 1100 herein

*³ Chapter 1179 herein

*⁴ Chapter 1175 herein

*⁵ Chapter 1206 herein

*⁶ Chapter 1218 herein

Dear Mr. Secretary:

I hereby transmit House File 2395, an Act relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates.

House File 2395 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the designated portion of Section 12, subsection 4. This item would appropriate unspent fiscal year 1995 lottery funds for operating and testing costs of the state-federal animal health laboratory. It is inappropriate to use one-time funding for ongoing operational expenses.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2395 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, Governor

CHAPTER 1224

APPROPRIATIONS — STATE GOVERNMENT TECHNOLOGY AND OPERATIONS

S.F. 2418

AN ACT relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, establishing the IowAccess system, providing for the use of the network, making miscellaneous related changes, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

ICN APPROPRIATIONS

Section 1. **TREASURER OF STATE.** There is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service:

..... \$ 12,782,000

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state, to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 2. PART III NETWORK COSTS — SUBSIDIZATION FUND.

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1998, and ending